

SENATE BILL 2736

By White

AN ACT to amend Tennessee Code Annotated, Title 39;  
Title 55, Chapter 10, Part 4 and Title 69, Chapter  
9, Part 2, relative to criminal law.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act is known and may be cited as "Nicholas' Law."

SECTION 2. Tennessee Code Annotated, Section 55-10-405(b), is amended by deleting the language "under the influence of an intoxicant under § 55-10-401, vehicular assault" and substituting the language "under the influence of an intoxicant under § 55-10-401, boating under the influence under § 69-9-217(a), vehicular assault".

SECTION 3. Tennessee Code Annotated, Section 55-10-405(c), is amended by redesignating the current language as subdivision (c)(1) and adding the following as subdivision (c)(2):

(2) For purposes of determining if a person convicted of § 55-10-401 is a repeat or multiple offender, a prior conviction for boating under the influence under § 69-9-217(a) must be treated the same as a prior conviction for driving under the influence of an intoxicant under § 55-10-401 if the person was convicted of the prior offense within ten (10) years of the date of the present violation.

SECTION 4. Tennessee Code Annotated, Section 55-10-405(a), is amended by deleting the language "Except as provided in subsection (c)" and substituting the language "Except as provided in subdivision (c)(1)".

SECTION 5. Tennessee Code Annotated, Section 55-10-405(d), is amended by deleting the first sentence and substituting the following:

A certified computer printout of the official driver record maintained by the department of safety constitutes prima facie evidence of a prior conviction of driving under the influence of an intoxicant, vehicular assault, aggravated vehicular assault, vehicular homicide, or aggravated vehicular homicide.

SECTION 6. Tennessee Code Annotated, Section 55-10-411(b)(2), is amended by deleting the language "influence of an intoxicant under § 55-10-401, vehicular assault" and substituting the language "influence of an intoxicant under § 55-10-401, boating under the influence under § 69-9-217(a), vehicular assault"; and is further amended by deleting the language "influence of an intoxicant, aggravated vehicular homicide" and substituting the language "influence of an intoxicant, boating under the influence, aggravated vehicular homicide".

SECTION 7. Tennessee Code Annotated, Section 69-9-219(c)(3), is amended by redesignating the current language as subdivision (c)(3)(A) and adding the following as subdivision (c)(3)(B):

(B) For purposes of determining if a person convicted of § 69-9-217(a) is a repeat or multiple offender, a prior conviction for driving under the influence of an intoxicant under § 55-10-401 must be treated the same as a prior conviction for boating under the influence under § 69-9-217(a) if the person was convicted of the prior offense within ten (10) years of the date of the present violation.

SECTION 8. Tennessee Code Annotated, Section 69-9-219, is amended by deleting subdivision (c)(6)(B) and substituting:

(B) In the prosecution of second or subsequent offenders, the indictment or charging instrument must allege each prior conviction for violation of § 69-9-217(a), driving under the influence of an intoxicant under § 55-10-401, vehicular assault under § 39-13-106, aggravated vehicular assault under § 39-13-115, vehicular homicide under §

39-13-213(a)(2), or aggravated vehicular homicide under § 39-13-218, setting forth the time and place of each prior conviction.

SECTION 9. Tennessee Code Annotated, Section 55-10-404, is amended by adding the following as a new subsection:

A person who was prohibited from driving a vehicle pursuant to subsection (a) must, upon seeking reinstatement of driving privileges, provide the department of safety with a report from an accredited laboratory demonstrating negative screening results for the substance that was the basis of the person's conviction for a violation of § 55-10-401. The report must be dated within thirty (30) days of the person's request for reinstatement of driving privileges.

SECTION 10. This act takes effect July 1, 2022, the public welfare requiring it.